

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

v

Mr. ROGER TATE SR. 03651061

DOCKET #

CR1-02-140-1

1106 CV 800

WRIT OF HABEAS CORPUS TO VACATE SENTENCE OR SET ASIDE OR CORRECT

Petitioner hereby ask the courts for relief for due process being as though the aboved named defendant was sentenced on March 23, 2003 and appealed the case and the 6th Circuit Court of Appeals remanded the case back to District Court because the defendant's custodial sentence must be vacated and remanded for a new determination of the terms of imprisonment and supervised release. To conclude the defendant never has been back in front of any judge to be resentenced and was never taken back to any District Court to answer to his re-sentencing. The defendant hereby ask the courts to release him immediately and to grant relief under Rule 5.1 If the court finds that the judgement was rendered without jurisdiction or that the sentence imposed was not authorized by law or otherwise open to collateral attack or such a denial or infringement of the constitutional rights of the prisoner as to render judgement vulnerable to collateral attack, the court shall vacate and set aside the judgement and shall discharge the prisoner or resentence, or correct the sentence as may seem appropriate. Also the numbered case from the appeal for the 6th Circuit is 03-3498. There is no record of the defendant ever having a re-sentencing hearing and also why hasn't the defendant been notified?

11/16/06 Mr. Roger Tate Sr. 03651-061 Respectfully Submitted
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